

[Mr. N. Ramakrishna Pillai.]

Motion 153.

The following motion was not moved since the member was absent at the time:—

MR. K. PARAMESVARAN PILLAI:

153. To reduce the total allotment of Rs. 93 lakh under Demand VIII by Rs. 100.

PRESIDENT: Now I put this demand to the vote of the House, Demand VIII, General Administration—Account Office—for Rs. 93 lakh. I take it that the House sanctions the Demand.

The grant was made.

The Council adjourned for lunch at 2-8 P. M. and re-assembled at 3-9 P. M.

NEW MEMBER.

The following new member was sworn in amidst cheers:—

Mrs. M. Poonen Lukose B. A., M. B., B. S. (Lond.) L. M. (Rotunda)
(*Surgeon in Charge of the Darbar Physician's duties*).

DEMAND FOR GRANTS—(CONTD.)

DEMAND IX—ADMINISTRATION OF JUSTICE.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakils*): Sir, I beg to move for a grant not exceeding Rs. 6'8 lakhs under Demand IX—Administration of Justice.

Motion 154.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, I beg to move:—

154. To reduce the allotment of Rs. 28,215 for clerical establishment by Rs. 1,200.

I find from the budget that provision is made for an Indexer and Law Reporter on Rs. 100—125. My motion relates to the officer provided with a pay of Rs. 100—125. In the ministerial establishment of the High Court, there are the Registrar, the Deputy Registrar, the Manager, and the Indexer and Law Reporter in the senior grades. The Registrar and the Deputy Registrar have sufficient work in the High Court. But the fact that the Manager has very little work to attend to has been brought to the attention of the Government, I believe, during prior occasions. The Law Reporter and Indexer too has got sufficient work to attend to. The officer who has very little work to do is really the Manager. He gets a pay of Rs. 125---150.

My proposal is that the place of the Indexer and Law Reporter may be done away with and the Manager may be asked to look after the work of indexing and law reporting. In that case, the Manager will have sufficient work and one place on Rs. 100—125 may be dispensed with. No doubt the Indexer and Law Reporter should be a person conversant with the law. Necessarily he must be a graduate

in law. From the departmental rules, I understand that the Registrar and the Deputy Registrar should both of them be graduates in law. The Manager need not necessarily be a graduate. But if it is found difficult to entrust the work of indexing and law reporting to the present Manager, I would suggest that another place be provided for him and a Manager who is a graduate in law may be entrusted with the work of indexing and law reporting as well. On this account I propose a reduction of Rs. 1,200, that is, by reducing a pay equivalent to that of the indexer, viz., Rs. 100 a month, and the consequent abolition of a place carrying Rs. 100. With these words, I move the reduction.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I did not know from the nature of the motion proposed that it was intended to attack the necessity for the Indexer's post in the High Court. As far as I know, the Registrar has control over the whole Department, the Deputy Registrar is in charge of the work of boarding and the Manager is in charge of the vernacular department and preparation of copies, issue of processes and other things.

PRESIDENT: Mr. Ramakrishna Pillai says that the Manager has not got sufficient work.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With respect to that I can only say that, even after the Salaries Committee's recommendation the High Court as a body did take the whole matter into consideration and were satisfied with the necessity for it and wanted it. So it has been sanctioned. What exactly is the amount of work turned out by the Manager has not been brought before the House, and the necessity for the Indexer was not questioned till now. I may say, so far as the present Manager is concerned, he is not a graduate in law. It is absolutely necessary for an Indexer and Law Reporter to be a graduate in law. I can only say at present that the suggestions of Mr. Ramakrishna Pillai will be placed before the High Court for their views and the necessary action will then be taken.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): What is the work that the Manager is attending to in the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He is attending to the admission of appeals, the issue of processes, and the issue of copies, and he attends also generally to the vernacular portion of the work.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know what the head clerk is doing?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As soon as he receives the plaint, he sees whether it is properly valued and then sends it to the Manager, I believe.

MR. M. N. PILLAI (*Trivandrum*): May I know why Mr. Velu Pillai, Deputy Registrar, was transferred from the High Court?

PRESIDENT: It is not at all relevant.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Inasmuch as this motion was a surprise, I can only say that the suggestions

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of the member will be placed before the High Court for their opinions and the necessary action will afterwards be taken.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Who is attending to the boarding work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Deputy Registrar.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Who was doing it before?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Deputy Registrar.

MR. M. N. PILLAI (*Trivandrum*): I support the motion of Mr. N. Ramakrishna Pillai simply because of the unjust action of the Chief Justice in appointing —

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order whether it has got anything to do with the motion in hand.

PRESIDENT: Let him finish his sentence.

MR. M. N. PILLAI (*Trivandrum*): I have brought to the notice of the House that the appointments made by the Chief Justice during the re-organisation and for the past few years have been on a communal basis and no non-Brahmini had the opportunity to serve in the ministerial staff.

PRESIDENT: That statement is absolutely irrelevant to the point at issue.

MR. M. N. PILLAI (*Trivandrum*): I support the motion, because Mr. Appatturai Aiyar is not a graduate in law.

PRESIDENT: Who is Mr. Appatturai Aiyar? (*Laughter*.)

MR. M. N. PILLAI (*Trivandrum*): I mean the Manager.

PRESIDENT: The question does not relate to the Manager, Mr. Ramakrishna Pillai does not want the Manager's place to be abolished.

MR. M. N. PILLAI (*Trivandrum*): His suggestion is to appoint a graduate in law. That is quite reasonable and so I support the motion.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, Mr. Subba Aiyar was not in a position to say whether the Manager has sufficient work in the High Court or not. But we know as a matter of fact that he has very little work to attend to except signing copies of summons, etc. The work of receiving appeals and other papers is attended to by the Head Clerk and he alone is responsible for checking the valuation, etc. The Manager has absolutely no duty to attend to any of this work and practically his work is very unimportant. My suggestion was that one place be abolished, a place carrying Rs. 100,

and the Manager might be given the work of indexing and law reporting. If the present incumbent is competent to attend to that work, there is absolutely no necessity for appointing him to any other work. I have nothing to do with personalities or communities and I was simply stating a fact. I believe that this matter has been repeatedly brought to the attention of Government even before. The Manager's place, I believe, was created only some time ago and I am sure the High Court will agree with the Council in thinking that it is unnecessary.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As for my friend's observation that the Manager's place was not in existence some years back, I believe, the Manager has been in existence for ever so many years as long as I could know it. So also, the place of the Deputy Registrar is not new at all. The Manager has, in addition to his office work, to issue copies and do ever so many other things. As I have already stated, the object of the mover is quite new to me. Mr. Ramakrishna Pillai had not suggested in his motion what he intended to speak upon. It was only stated that he wanted a reduction of Rs. 1,200. I thought he wanted the reduction of a few lower clerks. Therefore I submit I have not had due notice of his intention. If due notice had been given; I would have been in a position to say in detail what exactly is the necessity for the place of a Manager for the High Court. As I have already given the assurance that the matter will be placed before the High Court, I think Mr. Ramakrishna Pillai would be satisfied.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether the Manager and the Deputy Registrar existed at the same time in the High Court before the re-organisation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, for a long time. Mr. Thandu Aiyar was there; Mr. Velu Pillai also was there.

PRESIDENT: Do you press your motion to a division, Mr. Ramakrishna Pillai?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 155.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-tikka*): Sir, I beg to make the following motion—

155. To omit the allotment of Rs. 4,236 for temporary clerks.

These temporary clerks are intended for the continuance of the Third Bench of the High Court to the end of 1100. The Third Bench, which was instituted in 1092, is continued every year temporarily. The Third Bench was constituted for the sole purpose of clearing arrears. Mr. Subba Aiyar assured us, in the last budget session, that the moment it was found unnecessary and undesirable to have it, that moment it would be

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stopped. We do not know when the moment will arrive for the Government to decide that the Third Bench is unnecessary. Soon after the constitution of the Third Bench, the arrears were partly cleared. The number of first and second appeals pending at the time of creation of the Third Bench was 1,317. In 1093 and 1094, the number went down. There was no justification to continue the Third Bench thereafter. After that there is a fluctuation in the number of cases disposed of. In Travancore there is a tendency for all temporary establishments to become permanent. If the Third Bench had been clearly told that arrears should be cleared within a specified time and that it would otherwise be discontinued, better work would have been done.

Mr. V. Subba Aiyar advanced certain arguments for the retention of the Third Bench. His first argument was that, as the decision of the High Court was final, the Judges had to hear cases patiently and give final decisions. The old judgments of the High Court are considered to be more weighty and reasonable. If Mr. Subba Aiyar's argument that, because vakils have begun to argue for a long time, the retention of the Third Bench is necessary is to be accepted, the Third Bench will have to become permanent and it will be very easy for the vakils to create a Fourth and a Fifth Bench very soon. It is true that High Court judges work from 11 A. M. to 5 P. M. If six Judges cannot turn out better work than what four Judges used to do, it is time to consider whether better men should not be appointed to the High Court. The High Court does not feel the necessity of clearing the arrears. The Law Member is asking us to pay for the negligence or carelessness of the High Court Judges. In the last budget session, Mr. Subba Aiyar's final argument for the retention of the Third Bench was that one Bench was fully engaged in a big case for about four months and so the judges were not able to clear the arrears. It is stated in the Administration Report of 1098 that during that year the High Court was short of its full strength when Messrs. T. Palpu Pillai and P. Raman Tampi, Puisne Judges, were absent on leave and when Mr. Justice Chatfield was on special duty in connection with the trial of election dispute cases. I do not know whether Mr. Subba Aiyar has to mention any special circumstances which necessitate the retention of the Third Bench for this year. The Government will have to definitely assure us that, when the work of the High Court becomes current, the Third Bench will be immediately abolished and they will have to depute a special Bench to dispose of old cases alone. I hope Mr. Subba Aiyar will enlighten the House whether the present circumstances necessitate the retention of the Third Bench and whether the Government could, by any arrangement, facilitate the clearing of arrears within a definite period.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to oppose the motion. I will try to place some figures before the House. I believe the House will be thoroughly satisfied as to the necessity for the retention of the Third Bench and I believe even Mr. Madhaya Variar will be equally convinced.

I will give the figures from 1069 up to 1099 to show how the work of the High Court has increased and how it is necessary to continue the Third Bench for such time as will be necessary to dispose of old cases, in other words, until the work becomes current.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): May I know when the work will become current?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will come to that.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): Let us have an idea of the meaning of the phrase 'work becoming current'.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not a prophet and I am not prepared to say when exactly the work will become current. It depends on various considerations. It depends upon the nature of the cases, upon the propensity of the litigants and upon ever so many other considerations. In 1098 the number of suits instituted was much higher than in the previous year and it was much higher still in 1099. Until it comes down and becomes normal, it is not possible to abolish the Third Bench.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): May I know whether, if old cases are disposed of, the work will become current?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe so.

PRESIDENT: It is a matter of opinion.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): No, Sir, I do not think so.

PRESIDENT: If it is not a matter of opinion, it is self-evident. If old cases are disposed of, the work is said to become current. You want Government to give an assurance as to when the work will become current. That is impossible.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will try to satisfy the House as to whether these Judges of the High Court are doing their level best to turn out as much work as is expected of them. It is not possible for me to prophesy or predict when the work will become current. I can only place before the House the figures showing the work that has been turned out by the Judges of the High Court and I think that would satisfy the members.

In the first decade, the files ranged from 610 to 865, in the second, from 701 to 1,126, and in the third, from 927 to 1,102. With reference to review applications, it has risen from 39 to 52. Miscellaneous appeals have risen up from 40 to 144. Civil revision petitions and miscellaneous petitions have risen up from 710 to 1,866.

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If you come to criminal work, in the first decade it ranges from 48 to 42, in the second decade, from 70 to 192, and in the third, from 116 to 210.

So also, as regards the average annual file, we find thus:—

	<i>Regular appeals.</i>	<i>Second appeals.</i>
First decade	390	414
Second decade	424	398
Third decade	486	605

In other words, the work, from the first to the third decade, has risen by over 50 per cent. and the number of Judges has been increased only by 50 per cent. That is so far as appeals are concerned.

Coming to miscellaneous work, we find that in the first decade we had only 503 cases which rose up to 730 in the second decade and eventually to 1,514 in the third. In other words, it has increased by more than 100 per cent. Then again, if we come to the disposal of cases—

MR. C. SANKARA MENON (*Quilon*): May I know what exactly was the reason for this extraordinary increase in the number of miscellaneous cases?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the first place—I believe that must be the reason—there were then only 24 courts, whereas now there are as many as 42 courts; formerly all the suits which were the subject of appeal originally came only from 24 courts. Now there are 42 courts. In proportion to the rate of increase in the number of courts, which is more than 50 per cent., there is also an increase in the number of appeals.

MR. C. SANKARA MENON (*Quilon*): Is it not due to the deterioration in the quality of the work of the lower courts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No; I do not think the work of the lower courts has deteriorated.

As regards first appeals disposed of, we find that, in respect of civil work, the disposals were as below:—

First decade	317
Second decade	395
Third decade	453

In other words, there is an increase of about 50 per cent. in the disposals also.

Then again, in the disposal of second appeals, we find the figures as below:—

First decade	414
Second decade	372
Third decade	540

In other words, the total number of cases disposed of in the third decade come to about 1,000, in the second decade about 760 and in the first about 730.

As regards the disposals in 1099, we have the following figures:—

First appeals	647
Second appeals	614
<i>Total</i>	<u>1,261</u>

Therefore, so far as the High Court is concerned, it will be seen that the Judges are doing their very best in the matter of disposal of cases. I know, as a matter of fact, and it also gives room for much complaint, that the Judges sit from 11 A. M. to 4-30 P. M. with an interval of barely half an hour for lunch. (*Mr. G. Paramesvaran Pillai: Hear, hear.*) I do not know whether any human being could be expected to work more than the present High Court Judges. I do not think it would be advisable on our part to put any restriction on the work of the High Court Judges, such as that a particular Bench must look only to the disposal of old cases within a definite period. I, as a practitioner, cannot advise such a step. It will be ruinous to litigants and certainly prejudicial to lawyers. If we impose such a restriction on the High Court, certainly the High Court can succeed in disposing of a larger number of cases in a short time. For instance, if a vakil is late, the Judge may dismiss the appeal and say that he disposed of the case. Certainly that is not the sort of disposal that we want. As it is, the disposal of cases by the High Court is very satisfactory. That being the case, how can we complain that the High Court is not having enough work?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How many cases of the year 1097 are still on the file of the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think there are many pending appeals of 1097.

	A. S.	S. A.
Appeals pending for less than a year	439	499
Do more than a year	171	102
Do more than two years	37	13

Formerly, there were appeals pending for more than five years. Now I do not think there are many appeals even of 1097.

Therefore, it is clear that the Judges are trying to dispose of cases as quickly as possible. Because a particular Judge is only a temporary Judge, I do not think we are justified in concluding that he would try, by slow disposal, to increase the arrears in order to continue his temporary appointment.

Then again, after the passing of the High Court Regulation, one of the High Court Judges may go and inspect the subordinate courts when the latter is in full working order. Naturally that will entail additional work. The High Court is trying to see that the lower court is inspected when it is working, because it has been found that the inspection at the time of court recess is not quite satisfactory. The High Court have, therefore, to utilise their little leisure for such necessary inspection work. Under such circumstances, I think it will not be proper for the House to impose any restriction or condition upon the

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discretion vested in the High Court. Therefore, I think, their recommendation for the continuance of the Third Bench is entitled to very great respect at our hands, especially seeing that the work that they turn out is very satisfactory.

In these circumstances, I think Mr. Madhava Variar will be satisfied by the figures that I have quoted to show that the High Court were not shirking their work and that the work has really increased considerably. As such, necessarily, the number of Benches also has to be increased.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): May I know whether there are any arrears and when the work can be termed current?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No, I have given you the figures. The total number of cases pending is only about 1,200—647 regular appeals and 614 second appeals. If there is no appeal more than one year old, probably the Temporary Bench will be abolished. We do not know the nature of the appeals pending and therefore we are not in a position to say exactly when the work will become current. Last year, fortunately, there was no peculiar circumstance or contingency which increased the file of appeals or detained any particular Judge or Judges of the High Court for a long time. Anyway, it is not possible for us to predict when exactly the work will become current.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): Is not the work current even now?

MR. V. SUBBIA AIYAR (*Additional Head Sirkar Vakil*): No, there are appeals pending for more than two years.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): May I know the number of cases pending when the Bench was created?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It was about 900 and odd when the Third Bench was created. Now we have over 1,200. As such, I think we must accept the recommendations of the High Court for the continuance of the Third Bench and not propose the reduction of the temporary establishment. I hope the above facts would satisfy Mr. Madhava Variar.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to support the motion of Mr. Madhava Variar.

In opposing Mr. Madhava Variar, Mr. Subba Aiyar told us that he is not a prophet. We may assure Mr. Subba Aiyar that, even if he is one, this side of the House is not prepared to rely upon his prophecies. We have to go by the figures supplied and the nature of the work turned out by the High Court, considering at the same time the principle underlying the appointment of additional Judges. In the first place, I have very strong objection to appointing any judicial officer as a temporary officer. It gives room to an undercurrent of suspicion tending to

discount the face value of his work, especially when the temporary Judge happens to be a weak-minded man. As a general matter of policy, it is objectionable.

Secondly, my friend quoted a number of figures and reviewed the work turned out by the High Court during the last three decades. Ultimately, he also pointed out that the Judges were turning out much work; in fact, he said that they were turning out more work than their predecessors in the High Court. Evidently he omitted to take into account the facilities afforded to the present High Court Judges in the matter of hearing appeals. Firstly, the pleadings are all printed. In all Full Bench cases, all the important papers are printed. All additional documents sought to be introduced are printed. These are facilities which the present Judges have and for all these the litigant public are indirectly taxed. That is one aspect of the question which my learned friend Mr. Subba Aiyar evidently omitted to consider.

Then with respect to the work that the Additional Judges have to turn out, my friend says that, as soon as the work becomes current, the temporary Third Bench will be abolished. At the time when the High Court Regulation was introduced, when it was pointed out that there was provision only for not less than four Judges in the High Court, Mr. Subba Aiyar promised that four Judges would be enough for the High Court and that the Third Bench was only temporary and would be abolished as soon as the work became current. It was suggested to him then that, if the temporary Bench was likely to become a permanent factor, provision might be made for six permanent Judges in the High Court. But Mr. Subba Aiyar said then that it was not necessary, since the arrears would be cleared soon. That prophecy of Mr. Subba Aiyar now remains unfulfilled.

With respect to the existing amount of work, my friend Mr. Subba Aiyar himself quoted figures to show that there were only about 13 special appeals more than two years old. I suppose the figures supplied to him relate to the close of the last year, i. e., the close of Karkatakam or even a few days before.

Then my friend said that they have got no large amount of any arrear work; so much so that the necessity for the Third Bench has now practically disappeared. With respect to special appeals more than two years old, my friend said that there were only 13 and only about 37 or so of appeals more than two years old.

Thus, practically there is no necessity for the Third Bench. If it is not a pure prophecy, which my friend Mr. Subba Aiyar abhors, that induces my friend to say that there would be the necessity to continue the Third Bench for a number of years. It is upon pure prophecy and not upon figures, which, as he himself has said he would not indulge in, that he takes his stand.

PRESIDENT: Well, we have to prophesy, at least for a year, for the purpose of the budget.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My friend would not prophesy, as he says. It is, of course, a matter of inference

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that must be warranted by figures; but the figures do not warrant any such thing. Well, he was pointing out a number of things regarding civil miscellaneous petitions, revision petitions, etc. How many of them are dismissed without hearing the opposite side, is a matter which is only too well known to the litigants and their legal advisors. In many cases, notices are not generally issued before these petitions are dismissed. For statistical purposes, all these are taken as petitions disposed of. The Judge sits, first to hear the petition, and, only if there is necessity, will he even issue notice to the opposite side. Otherwise the petition will be summarily dismissed. If, therefore, relying upon the figures which Mr. Subba Aiyar has been good enough to place before the House, we are invited to vote, it will not be safe. If the figures were examined closely, they would not lend any support to the continuance of the Third Bench. Therefore, I am sorry, I have to support Mr. Madhava Variar and oppose Mr. Subba Aiyar.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I also support Mr. Madhava Variar. I do not suggest that our High Court Judges are lazy, nor do I question their sense of justice. We cannot but recognise the fact that they are perhaps the hardest-worked officers of the Judicial Department, especially because they have to sit by twos and threes. Every one of them has to attend the court precisely at 11 A. M. I think the highest judicial tribunal is the only place where the work starts exactly at 11 o'clock. Most of the Judges are courteous, and polite, and some of them have also a sense of humour. There are those who are adepts in throttling lawyers, there are ways of asking vakils to sit down although they are polite. My friend Mr. Subba Aiyar who himself has had the luxury of being so asked will not question my statement.

MR. A. HOOGEWERF (*Nominated*): Is it because they make long speeches?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Long speeches in the Council and in the courts are different things. In the court they have to be cut short. The judges have got power. There is what is called relevancy. There are various Regulations which have to be looked into. In the courts, the rules relating to relevancy are more strict.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the sense of relevancy absent in the Council?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I never said that. On the other hand, there are various things which strike me here as irrelevant. There is relevancy in the Council proceedings, and there is also relevancy in courts of law, the only distinction being that standing here and talking as members of the Council is different in genus from standing in the court and arguing cases. There, one feels one's humility more than in the Council. Here, we come in our

own right as elected representatives of the people. There, we appear for clients. (*Laughter.*) The first thing to do there is to win our case. We do not go there to lecture on policy.

PRESIDENT: All that is not relevant here, Mr. Velu Pillai. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am sorry I am obliged to stray away from the subject under discussion. But when a responsible member puts a question how can I decline to answer?

One point that I wish to press upon the attention of the Government is with regard to the appointment of Judges. Now, a Munsiff who works as a Munsiff for several years, to whom the High Court Bench is something high up in the clouds,—when by shifts and turns he comes to the High Court one or two years before retirement,—takes time to acclimatise himself. He looks at the tapestry and things of that kind. (*Laughter.*) And he also tries to learn the ways of the other Judges and the ways of vakils in addition to learning law, because the officers of the Judicial Department who are long in service sometimes forget the new developments in law. In effect, a Judge who is promoted on account of seniority enters the High Court by one door, remains for a short term of years and goes through the other door, the result being that the public do not get the advantage of having experienced Judges. I do not want to deny promotion to judicial officers but the policy of appointing people who have got plenty of life, energy, optimum, breadth of outlook and practical experience—the necessity of appointing such men is imperative, because, rather than the question of giving promotion, it is the interests of the country that have to be considered. Therefore, in selecting men to fill the place of Judges in the High Court, Government have to see that efficiency and ability are more honored than seniority. If that is done, I daresay that there will be more disposal. The disposal is slack not because the Judges are not doing what they can, but because gentlemen with greater capacity are not appointed. At the fag end of one's service it will be too much for any man to acclimatise himself to new surroundings, and even the methods of argument are different in the District Courts and the High Court. That is one reason which prevents Judges from doing the maximum work that is expected of them.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): From Mr. Subba Aiyar's arguments it was clear that there were not heavy arrears in the High Court when the Third Bench was constituted. It was constituted simply for the purpose of clearing old cases. Just two years after the constitution of the Third Bench, very many old cases were disposed of. But, even then, the Third Bench was continued and that is the position even now. There are not very many cases which are more than one year old, and these cases cannot constitute heavy arrears, at least in my opinion. So, I do not think that Mr. Subba Aiyar has convinced the House as to the necessity of retaining the Third Bench.

[Mr. M. R. Madhava Variar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I thought I made the point very clear, but Mr. Madhava Variar does not seem to be convinced. What I was concerned with was as to whether the High Court Judges are doing their best; and it will be seen from the figures I have quoted that a reasonable number of cases is being disposed of by them. Mr. T. K. Velu Pillai said that the method of recruitment is not satisfactory, and he began to question the competency of the Judges to dispose of cases. The point that we are at is about the number of the High Court Judges. We should take things as they are at present. There are six Judges now. Human nature being what it is, whatever be the method of recruitment we adopt, whether it is from the bar or the subordinate judiciary, I believe, we shall find the same capacity and the same character in the Judges as we do find now. There may be intelligent lawyers and there may be also lawyers who are not intelligent; there may be judges who are prepared to throttle vakils or who will patiently hear the vakils. So also, in the case of Munsiffs and those who are promoted from the lower ranks of the services; so that it may not be possible to say all at once that there will be any difference between Judges who are recruited from the bar and those who are promoted from among the Munsiffs. The tendency will be the same. We are concerned only as to whether they are turning out the requisite quantity of work; and I believe, I have placed before the House the number of cases disposed of, and I hope that it must satisfy the House. Mr. P. K. Narayana Pillai said that the arrears are not heavy. Are we to wait for two years or until the moment when the arrears will again accumulate, when there will be appeals pending for more than five or six years? What I suggest is that we should wait for one or two years and see whether the number goes further down, seeing that they are trying to work as much as possible. If after one or two years we are satisfied that there is not enough work for the three Benches, then, by all means recommend that the Third Bench should be abolished. As it is, it is too early to suggest the abolition. The High Court Regulation was passed very recently. We do not know what amount of inspection work will be necessary and what will be the nature of the work at the end of the year. Let us first give them time to consider, say a year or two; then it will be time enough to consider whether the further continuance of the Third Bench is necessary or not; instead of that, if you drop this all at once, I say it will be suicidal. Until we are quite sure that the file has become normal and the disposal is also normal, I believe we shall not be justified in discontinuing the third bench.

PRESIDENT: Mr. Madhava Variar, do you press the motion to a division?

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanam-titta*): Yes, Sir.

The motion was put to the vote and lost, 16 voting for and 19 against.

Motion 156.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I beg to move the following motion:—

156. *To reduce the allotment of Rs. 51,622 for High Court by Rs. 100.*

I beg to submit that, several months ago, this House passed a resolution recommending the suspension of the *Civil Courts' Guide*. Since then, in the Popular Assembly, several representations have been made on the same subject. But we have not been able to find any attempt made by the High Court to remove the grievance caused by the *Civil Courts' Guide*. It is a matter of surprise as to why the High Court should have refused to listen to the representations of the people. I therefore propose a reduction of Rs. 100 from the allotment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The grievance that was brought forward by some of the members on a previous occasion was that, in the absence of a Malayalam translation, it was found very difficult to follow the *Civil Courts' Guide*, and the High Court were written to. It is now understood that a translation has been printed and is ready for publication.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Has it been published?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe it is ready for publication.

PRESIDENT: I may tell the Council that some 1,400 printed copies of the translation have been just received, and they are going to be circulated as a supplement to the *Gazette*.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So that, the real objection has been removed; and with reference to some of the details, some representations were made at the last session of the Assembly to the effect that certain provisions in the *Guide* were working real hardship upon the litigant public and that they ought to be removed. The High Court have been addressed in the matter and they are seriously considering the propriety or otherwise of modifying such of them as really work hardship.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know why the operation of the *Civil Courts' Guide* was not suspended pending the issue of the translation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The whole thing will in effect be repealed if the operation is suspended. There must be something to guide the procedure in the courts in the meantime, if you suspend the provisions. Further, most of them were really old rules. They are not revived if the new rules are suspended. New forms were introduced and new registers opened. The courts and the lawyers and the litigant public had begun to understand the *Guide*. It would, therefore, have been creating confusion to suspend the operation of the new *Guide*. If there are individual rules

[Mr. T. K. Velu Pillai.]

working hardship, they will be scrutinised by the High Court and modified where necessary.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether any steps have been taken by the High Court to modify or alter the *Civil Courts' Guide*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, they are considering.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Has anything been done to his knowledge?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know whether anything has been done. They said that everything would be done.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I am in favour of the motion. Mr. Subba Aiyar said that the High Court is considering the resolution with a view to modify the *Civil Courts' Guide* in one part of the speech and in another he said that they have translated the same. The translation was evidently not made before the resolution was passed. Now, after the resolution is passed, elaborate arrangements were made for printing the translation. Therefore, ten to one the chances are that in the light of the fact that considerable money has been spent, the modifications will not be made, for then the printed books will be useless.

PRESIDENT: The modifications will be only of a certain number of rules.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): What I understood from Mr. Subba Aiyar was that the *Civil Courts' Guide* in its present form without any modification or alteration has been translated and printed. If that is so, I think my argument gets stronger, because, if the High Court thought that the modifications were few, they had with them enough power to suspend the proposal regarding the translation.

PRESIDENT: Would not that be a greater hardship?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): There is choice between the evils.

PRESIDENT: It is a matter of opinion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am only expressing my opinion.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is it possible for the Government to suspend the operation of the *Civil Courts' Guide* until all the members of the Council and the Popular Assembly could exhaust their ability to suggest amendments?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): My friend knows that there is no finality in legislation and there is no finality in passing rules. I am viewing the question from another

standpoint. We respect the High Court. But the High Court in return has to respect the resolution passed, by the Council. Now, Sir, it is a matter of common knowledge that, even if the High Court pronounces a person to be guilty, the Executive Government has got the power to pardon the offender in certain cases. And if the Executive Government is given that power, how much more the prestige and power—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether the Executive Government or the Sovereign possesses the power to pardon?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I must say, Sir, that you cannot put the Sovereign and the Executive Government in two water-tight compartments. The Governor of Fort St. George in Council, who is not a Sovereign, exercises that power as the executive head. It is the Executive Government. I do not want to say anything more upon that.

Now I take the view that, when the Legislative Council passes the resolution by a very large majority, is it not the duty of the High Court, for whose maintenance we have to vote money year after year—is it not their duty, to show some consideration towards us? The *Civil Courts' Guide* could have been suspended by one notification and the old rules revised. I stated during the budget debate of 1099 that two judges were told off to draw up a *Civil Courts' Guide* and that it was an expenditure of money that could not be justified and other members also took that view. But our voice was only a cry in the wilderness. The work went on, the book was published. After it was published there was a commotion, I would even call it a consternation among the litigant public and the lawyers, and it was therefore that we, the representatives of the people seated in this House, voted deliberately that the Guide should be suspended. So that it is a question of prestige and I am very jealous of the powers of this House. The High Court should have showed us greater consideration. So I support the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have great pleasure in supporting Mr. Ramakrishna Pillai's motion. The resolution of this House which was carried by a very clear majority was a recommendation to Government that the *Civil Courts' Guide* should be suspended. We did not press for the absolute abrogation of that publication but only contended that it should be suspended before certain further things were done in connexion with that. The question was asked by my friend Mr. Subba Aiyar whether the High Court could suspend it. I am surprised my friend raised that question, seeing that the High Court could enact it and could cancel it. So certainly they could suspend it, and they could revise the previous procedure of the High Court and the subordinate Courts. Certain rules were found unworkable and difficult to be complied with and led to considerable difficulty, especially since the guide not accompanied by the necessary vernacular translations. These are the points that were raised, so much so that, rightly or wrongly, this House came to the conclusion that this Guide should be suspended. That was a

[Mr. N. Ramakrishna Pillai.]

mild suggestion ; but in view of the dignity of the High Court it could not be suspended. We do not know whether it was owing to the stubbornness on the part of the Government or the High Court that no effect was given to it. The question is, as Mr. Velu Pillai put it, whether we do not feel insulted by the absence of any action in response to the resolution passed by this House.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : May I know whether this Council cannot repeal the provisions of the *Civil Courts' Guide* when the Civil Procedure Code is taken up?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : No. We cannot do it. We can only discuss the Civil Procedure Code then. Unless another measure is brought forward, we cannot do it. And that would be an extreme measure. Of course such an extreme measure will have to be resorted to if a case arises like that. Our quarrel is that the Government have not taken the necessary steps to give effect to the resolution in regard to the *Civil Courts' Guide*. Therefore I am clearly of opinion that it is a piece of small insult offered to the House. Such being the case, at the very inception of this House during the first three years of its existence, when an insult is offered,—kindly pardon us, Sir,—we are obliged resort to reprisals. As a mark of disapproval of the action of Government on this resolution, we are obliged to make this cut upon the allotment. With respect to the *Civil Courts' Guide* resolution, I am speaking subject to correction, I understand that the Legal Officers of Government advised Government to suspend the operation of the *Civil Courts' Guide* as it was not published with the translation. I am speaking subject to correction. The correspondence is hermitically sealed. Somehow or other the resolution of the House stands slighted. That is the cause of this motion. And I have to point out that, so far as the Government are concerned, Mr. Subba Aiyar said that the *Civil Courts' Guide* was all right. At any rate, so far as this side of the House is concerned, it has become imperatively necessary that we must mark our disapproval of the action of the High Court or of any other agency in the matter of not suspending the *Civil Courts' Guide*. So I warmly support this motion.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*) : Sir, so long as the resolution remains unaccepted by the High Court, I think it is our duty to protest against the scant courtesy shown to the recommendation made by this House. Mr. Subba Aiyar was not able to point out whether the High Court was justified in not suspending the *Civil Courts' Guide* as recommended by this House. He said that the translation was almost ready and that it would be published as soon as possible. Of course, the omission to publish a translation was only one of the reasons alleged during the course of the discussion on the resolution. I submit that, so long as the resolution is not given effect to, our grievance will remain unredressed. So long

as the recommendation is not acted upon by the High Court, I think there is a legitimate grievance for this House. The resolution was passed by a large majority of this House and it had also the support of the Popular Assembly which held its sittings after the resolution was passed. The resolution was passed by the representatives of the people and it was therefore the duty of the High Court to give effect to it. It is nearly eight months since the resolution was passed; and during all this time the translation was not published. The High Court could very well have published a notification suspending the operation of the *Civil Courts' Guide* at least till the translation was published. That too has not been done. Then, again, Mr. Subba Aiyar said that it was not possible for the High Court to suspend the *Civil Courts' Guide* because the old rules could not be brought into force. It is not so. If that had been done, the procedure in the courts could have been regulated according to the old circulars. Under these circumstances, I do not see that there is any justification for not giving effect to the resolution. Hence I press this motion to a division.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am really sorry that, in spite of the speeches made by my friends on the other side of the House, I cannot agree with them. In the first place, the resolutions passed by this House are only recommendations, though of course every respect should be paid to such recommendations. As far as possible, effect should be given to them. What is it that the High Court did? As soon as the resolution relating to the *Civil Courts' Guide* was communicated to the High Court, they thought that the translation asked for was absolutely necessary and therefore they made proper arrangements for a translation. We know, as a matter of fact, that the *Civil Courts' Guide* is a bulky volume and the translation of such a voluminous matter means some time. Then the translation has to be printed. We have now done all these and have printed 1,400 copies which are ready for publication. That being the case, I ask the House to say whether the High Court did not pay regard to the wishes of the House by making expeditious arrangement for the translation and publication of the *Civil Courts' Guide*.

MR. N. KUMARAN (*Nominated*): Were the High Court not bound to do the same even if there was no resolution?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The translation might have been published along with the original. But it was not published; and when it was pointed out that there was a grievance for want of the translation, the mistake was immediately rectified.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): What is the language of the courts in Travancore?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The complaints have to be written in Malayalam.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): What is the language of the courts? What does the Civil Procedure Code say?

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Civil Procedure Code says that the plaint shall be written in Malayalam. I do not know whether anything else is said anywhere else.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether it is not illegal if it is not in Malayalam?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think it is illegal. Whenever a thing is published, the Civil Procedure Code does not say that it should be in Malayalam. That is not a reason, because certain other things are published in Malayalam.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Supposing it was published in the Chinese language or in Persian, would it be legal?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think such a hypothetical contingency arises here. Judgments are usually written in English, allegations and issues are written in English, arguments are in English and everything is done in English except in the matter of plaints.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the *Civil Courts' Guide* was ever published in the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe it was. So far as we are concerned, the published volume was sent along with the *Gazette*.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was it a part of the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know it exactly. I am not able to give an answer at present.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Was it sent to all subscribers of the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The supplements to the *Gazette* do not necessarily form a portion of the *Gazette*. The supplements are specially charged for.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Even before it was published in the *Gazette* is it not necessary to make the rules public?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Publication does not mean supplying the copies to subscribers.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether Mr. Subba Aiyar has any knowledge of the *Civil Courts' Guide* being published in the *Gazette*, as part of the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. It was published with the *Gazette* as a book. It was issued as a separate volume. If my friends are so serious about it, the best way in which they could have effectively tested its validity was to argue in the High Court that the *Guide* was *ultra vires*.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I ask Mr. Subba Aiyar whether a Division Bench of the High Court has held that some of the rules in the *Civil Courts' Guide* are *ultra vires*.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The best thing would have been for some lawyers to submit for a ruling of a Full Bench that it was an illegal publication and that it was not binding upon the public. I think an effective motion could have been made instead of trying to get a legal opinion from me which is absolutely ineffective and which will not bind the High Court.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask him whether the prime duty of the vakil is not to win his case and whether it is to try to submit a question of law.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the decision in a case is not favourable to one party, then there will be the other party to whom the decision may be favourable. It will be for the party for whom the decision was unfavourable to submit a question of law and say that the *Civil Courts' Guide* is *ultra vires*.

I do not think any opportunity has been availed of to get a declaration from the High Court. I think that was the point which Mr. Ramakrishna Pillai wanted to press forward.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Were not all the arguments for the suspension of the *Civil Courts' Guide* discussed at the time when the resolution came up?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that. The point pressed was the absence of a translation. The High Court have shown all respect to the resolution. Instead of saying that the High Court have disregarded and insulted the wishes of the House, the members should have known that the High Court have speedily published the translation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will Mr. Subba Aiyar place on the table—

MR. A. HOOGEWERF (*Nominated*): May I ask whether the temporary suspension of the *Guide* would have seriously handicapped their work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that.

PRESIDENT: What is it that you wanted to ask, Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will Mr. Subba Aiyar place on the table all the correspondence in regard to this matter that passed between the High Court and the Government?

PRESIDENT: I do not think that arises here. You will have to take him on trust in regard to what he says. You may by means of an interpellation ask the Government to place all the correspondence on the table.

[Mr. V. Subba Aiyar.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether the publication in Malayalam of the *Civil Courts' Guide* was in the usual course as other publications? Do not the Regulations require it to be published in Malayalam?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Then, could it not be published without a requisition?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No, I do not think all the translations are published.

MR. C. SANKARA MENON (*Quilon*): May I know whether the resolution was not to suspend the *Guide* and whether the question of non-publication of the translation was only one of the points incidentally raised?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The resolution was to suspend the *Guide*. The argument was that there were certain rules which worked hardship. I am first dealing with the arguments that were placed in the House about the necessity for suspension, namely, first, the necessity for a translation, and, then, the necessity for amending some of the rules which worked hardship. The translation was published and I stated there were some defects which were pointed out by Judges and Munsiffs and were rectified. All the suggestions made by the House were placed before the High Court and they have taken action upon them; and as for publishing it before the rectification was made, I think, correction slips may be very easily inserted. There is no difficulty about that. By suspending it, you cannot revive the old rules. The High Court have got the power to pass certain rules and they have passed them with the sanction of Government. Section 14 of the General Clauses Regulation says thus:

"Where a Regulation confers a power to make any rules or bye-laws or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, bye-laws or orders."

Whether the word "suspend" will also be included in the power vested under Section 14 of the General Clauses Regulation, is a matter for serious consideration, and the High Court shall be taking a responsibility which they are not authorised under the Regulations. I stated that the *Civil Courts' Guide* was itself in force for four months. New registers have been opened, new forms have been used. Until the translation is ready, to suspend the whole thing without reviving the old during the period of suspension is, I think, not desirable and the legal consequences are very serious. Therefore, it was not contemplated by the High Court. I believe, instead of blaming the High Court, the House should consider the fact that the High Court have shown all expedition and every respect and regard in giving effect to the resolution so promptly and to the extent to which it was necessary.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know why the Government did not give an account of what they did in pursuance of the resolution?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Evidently it was thought better to do it after the translation is published. Probably that was the intention.

PRESIDENT: What is the occasion?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): A statement by the President as to what effect had been given to such and such a resolution passed by the Council on such and such a day could have been made.

PRESIDENT: That is a novel thing.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I submit that statements of that kind have been made in this Council itself.

PRESIDENT: As answers to interpellations?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): No; in other cases also, for example, the announcement of the results of an election to a Committee.

PRESIDENT: I do not think there is any analogy between the two.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Then, I do not say anything.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I press the motion to a division.

The motion was put to the vote and carried, 22 voting *for* and 19 *against*.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I demand a poll.

A poll was taken with the following result:

AYES—22.

- | | |
|---|-------------------------------|
| 1. Mr. T. M. Chidambaranu Pillai. | 12. Mr. M. R. Madhava Variar. |
| 2. „ Paul V. Daniel. | 13. „ P. K. Narayana Pillai. |
| 3. „ A. Govinda Menon. | 14. „ M. N. Pillai. |
| 4. „ A. Hoogewerf. | 15. „ N. Padmanabha Pillai. |
| 5. „ C. P. Kochukunju Pillai. | 16. „ Joseph Panjikaran. |
| 6. „ S. Krishna Aiyar. | 17. „ K. Paramesvaran Pillai. |
| 7. „ N. Kumaran. | (<i>Tiruvalla</i> .) |
| 8. „ T. Kumara Pillai. | 18. „ G. Paramesvaran Pillai. |
| 9. „ Tariatu Kunjimonman. | 19. „ N. Ramakrishna Pillai. |
| 10. „ V. Kunjukrishna Pillai. | 20. „ C. Sankara Menon. |
| 11. The Rev. Fr. Kuriakose Vettikkapalli. | 21. „ P. T. Thomas. |
| | 22. „ T. K. Velu Pillai. |

[Mr. V. Kunjukrishna Pillai]

NOES—19.

- | | |
|--|------------------------------------|
| 1. Mr. I. C. Chacko. | 12. „ K. Paramesvaran Pillai, |
| 2. „ R. Dhanukoti Pillai. | <i>Ag. Director of Agriculture</i> |
| 3. „ K. George. | <i>and Fisheries.</i> |
| 4. Rao Bahadur K. A. Krishna Aiyangar. | 13. „ P. Paramesvaran. |
| 5. „ R. Krishna Pillai. | 14. „ M. Raja Raja Varma. |
| 6. „ R. K. Krishna Pillai. | 15. Rao Bahadur K. V. |
| 7. „ T. Lakshmana Pillai. | Rangaswami Aiyangar. |
| 8. Mrs. Mary Poonen Lukose. | 16. Mr. S. C. H. Robinson. |
| 9. Mr. John Mackie. | 17. „ J. Stephenson. |
| 10. „ K. V. Natesa Aiyar. | 18. „ V. Subba Aiyar. |
| 11. „ S. Paramesvara Aiyar. | 19. „ A. J. Van Ross. |

The motion was declared carried.

Motions 157 to 159.

The following motions were not moved.

MR. V. KUNJUKRISHNA PILLAI.

157. To reduce the allotment of Rs. 51,622 for High Court by Rs. 100.

MR. M. N. PILLAI.

158. To reduce the allotment of Rs. 51,622 for High Court by Rs. 100.

MR. T. M. CHIDAMBARATANU PILLAI.

159. To reduce the allotment of Rs. 1,82,028 for *Amins*, process peons and copyists by Rs. 5,000.

Motion 160.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Sir, I move the following motion:—

160. To reduce the allotment of Rs. 1,82,028 for *amins*, process peons and copyists by Rs. 2,000.

There are too many copyists in the Judicial Department. In the Attingal Principal Munsiff's Court, there are 9 copyists, and in the Additional Munsiff's Court there are 9 copyists. At least two copyists each in the two courts can be done away with. They are simply idling away their time without getting sufficient work. Their minimum work is to copy 12 pages a day. They do not even copy 5 pages daily. I have heard copyists complaining that they do not get any bonus which they would get only if they wrote more than 12 pages, because the staff is so overcrowded. If two copyists are reduced from each court at this rate, from 32 Munsiffs' courts we can send away 64 copyists. They are unnecessarily appointed simply to provide jobs for some men. Hence I would press for the cut.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Though the motion is to reduce the allotment of Rs. 1,82,028 for *amins* process peons and copyists by Rs. 2,000, Mr. Kunjukrishna Pillai's speech referred however only to copyists. His complaint was that in the Attingal Munsiff's Court there was not work enough for all the copyists and no copyist got bonus. I do not know whether from that a general inference can be made that all the copyists throughout the State in all the various courts have not got enough work. I do not think it right to make that inference in such a manner.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): May I know whether any bonus was given last year?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Some money was spent in that direction.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the member be pleased to say how much money was spent in the shape of bonus?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): How many Courts gave bonus? In how many Courts was bonus paid to copyists last year?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have not got the necessary information on that point.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I believe no bonus was paid in any of the Courts.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think so.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): May I know whether the member in charge could give the name of any single Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know the amount exactly. I know that some bonus was paid. If the motion had been to reduce the copyists, because they have no work, then we could have known under what head the attack would come. Since there was no indication to that effect, I have not got the necessary information.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): My motion, Sir, is with regard to process peons also.

PRESIDENT: You did not specify the item of reduction. If you had stated that, Mr. Subba Aiyar could have come better prepared.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): For the information of my friend I may add as a sort of personal explanation that in the accounts for 1098 the amount of bonus was Rs. 2,163. From the particular instance of Attingal, no inference can be made; and as for Mr. Kunjukrishna Pillai's suggestion about the copyists in Attingal

[Mr. V. Subba Aiyar.]

the matter will be duly communicated to the High Court to see whether a reduction in the copyist staff could be made if they have no work.

The motion was, by leave, withdrawn.

Motion 161.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I beg to make the following motion:

161. To reduce the allotment of Rs. 1,900 for bonus to copyists by Rs. 1,000.

Sir, this sum is intended for distributing the money to copyists who write more pages than the minimum of 12 pages. I do not know whether many of them received this bonus. I think the member in charge of this Demand will explain what is the amount that lapsed last year under this item. I think the major portion of this item will lapse. There is no need for this allotment and so it can be reduced.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In 1098, the amount spent was Rs. 2,163. For 1099 the accounts are not yet ready and therefore I cannot state exactly what the estimate could be.

PRESIDENT: From the actual expenditure in 1098, what could be the estimate?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The revised estimate for 1100 gives no details.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Was the amount given to copyists or was it spent for any other purpose?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the amount was spent for a different purpose, it will be shown against that particular item. I may point out that the actual expenditure was Rs. 2,000 and odd in 1099. When the revised estimate was prepared, a small decrease was expected and so Rs. 1,900 alone was provided in the original estimate.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): It is not in the revised estimate.

PRESIDENT: The details are not given in the revised estimate.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): My idea is that bonus was not given to any of the copyists.

PRESIDENT: Mr. Subba Aiyar says that the actual expenditure was Rs. 2,400 and odd.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): According to the account rules, if the bonus is transferred for any other purpose, it will be shown for what item the money has been spent.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Then, I withdraw.

The motion was, by leave, withdrawn.

Motion 162.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I rise to move:—

162. To reduce the allotment of Rs. 4,73,975 for Civil and Sessions Courts by Rs. 100.

My object is to draw the pointed attention of the Government to the necessity of establishing a Munsiff's court in Nedumangad. The people of Nedumangad have been asking for a long time and the members of this House and the President have sufficient experience of the insistent demand being made by the representatives of Nedumangad taluk for a number of years. I asked a question about the subject some time ago, and the Government were good enough to give some figures with regard to the number of cases. The High Court, Sir, somehow, seems to be against the proposal of having a Munsiff's Court in Nedumangad. We have heard yesterday in this House the kind advocacy of the claims of *kanikars* and others who are fleeced and oppressed by subordinates of the Forest Department. Nedumangad is a place where there is a large number of *kanikars* and the ordinary people of the hills are not very different from *kanikars* and they are also fleeced by various officers. In the taluk headquarters, a small place which I would certainly call a town, there are the Magistrate, Police Inspector, Sub-Registrar, Medical Officer—all these people. Now, if litigants, instead of going to Attingal and Trivandrum and to Neyyattinkara, are made to go to the taluk headquarters, in the first place they will become more civilised than they are now. In the second place, they will not have to travel long distances. It is cruel to make a man from Ponnudi pass through Nedumangad, come to Trivandrum and from here go to Neyyattinkara. There are 17 *pakuthies* in Nedumangad; and you find, Sir, that out of these 17 *pakuthies*, 7 *pakuthies* go to the Neyyattinkara court, 4 to Trivandrum and 5 to Attingal. Why should the *pakuthies* of Nedumangad be dismembered in this unkind fashion? I do not make any proposal which will entail greater expenditure. I shall certainly not ask for more courts. There are three Munsiffs' courts in Trivandrum, 2 in Attingal and 2 in Neyyattinkara. Rather than cut us piecemeal, sending some of us to Neyyattinkara, others to Trivandrum and others to Attingal, why not, Sir, give us a chance of litigating upon our rights in a court which is established at the taluk headquarters? I do not want to say more about this question as it is only a very reasonable request; the people demand it with one voice, and the barest consideration of justice is enough to enlist proper support. I trust my friends on this side and on the other side of the House will see their way to support the motion. After all, let me remind the House once again, I do not ask for any additional expenditure. I trust that the proposal will be considered with deserving sympathy.

[Mr. G. Paramesvaran Pillai.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I believe this question has been agitated upon for a long time and it is only from a general knowledge that I am in a position to answer that question, because I could not know from the motion that it related to a Munsiff's Court in Nedumangad. Because the motion was only stated to be to reduce the allotment by so much in the case of Civil and Sessions Courts, I had not been able to anticipate the intentions of the member. But, unfortunately for the member, I believe, the matter was more than once brought to the notice of Government and the matter was referred to the High Court and the High Court were not satisfied with the necessity therefor. What I may assure Mr. Velu Pillai is that the matter will again be brought to the notice of the High Court to ascertain whether it is possible for them to reconsider their decision.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Repeated attempts were made by the Government to move the High Court in this matter and nothing has been done at all till now.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In a matter of this kind where the entire judiciary is under the control of the High Court, a body of six Judges, and when they do not see any necessity for a special court, I do not think it will be desirable to interfere with their power. Strictly speaking, the recommendation has to come from the High Court; and to show the intensity of feeling and the extent of demand for the purpose, I said, Mr. Velu Pillai's suggestions would again be brought to the notice of the High Court, to see whether they would not find their way to change, if possible, their view in the matter.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): While expressing sympathy with the motion of Mr. Velu Pillai, I should make one observation, and that is that, in case a Munsiff's court is established at Nedumangad,—and I have absolutely no objection to a Munsiff's court being established at Nedumangad—there should not be any dismemberment of the *pakuthies* of Neyyattinkara (*Laughter*) and the Neyyattinkara clients should not be forced to go so far as Nedumangad for cases.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Having had the luxury for some years of the clients enjoying Munsiff's courts in Neyyattinkara at the expense of the Nedumangad clients, would Mr. Paramesvaran Pillai object to send them to Nedumangad, if necessary?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I would strongly object to that. (*Laughter.*) I think it my duty to press upon the attention of Government this aspect of the case as well. I have no objection to one of the Trivandrum courts being sent over to Nedumangad. Perhaps, Trivandrum and Nedumangad may adjust between themselves. But so far as the Neyyattinkara Munsiffs' courts are concerned, there should be no inconvenience by way of dismemberment caused to them, because there are only two courts in Neyyattinkara.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to support the motion of Mr. Velu Pillai. A Munsiff's Court at Nedumangad is absolutely necessary.

MR. A. HOOGEWERF (*Nominated*): I also support the motion brought forward by Mr. Velu Pillai. Mr. Velu Pillai does not want any new expenditure to be incurred. He wants only one of the courts here to be transferred to Nedumangad, and I think that it is a very reasonable request.

MR. M. N. PILLAI (*Trivandrum*): I also support the motion of Mr. Velu Pillai. It is really a hard case that people from Ponnudi should be obliged to go over to Trivandrum to conduct cases and I am sorry to state that my friend Mr. Paramesvaran Pillai safeguards the interests of his constituency at the expense of Nedumangad. Let us not deprive the people of Nedumangad from having a Munsiff's Court there. I think, if it is convenient to transfer those *pakuthies* from Neyyattinkara to Nedumangad, it should be done for the sake of Nedumangad people.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, when I raised the question of communications in North Travancore, Mr. Velu Pillai said that there should not be any distinction between North Travancore and South Travancore.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, when I said that—

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I am only supporting Mr. Velu Pillai. (*Laughter.*)

PRESIDENT: This is intertaluk rivalry!

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Nevertheless, I am going to support him. I am glad that my friend has changed his views.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): No, Sir; I have not changed my views, but I cling to those views because they are right.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I think he has changed his views and so I am glad to support his motion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): In the light of the assurance given by Mr. Subba Aiyar, I am prepared to withdraw the motion.

The motion was, by leave, withdrawn.

Motions 163 and 164.

MR. N. RAMAKRISHNA PILLAI:

163. To reduce the allotment of Rs. 4,73,975 for Civil and Sessions Courts by Rs. 100.

MR. V. KUNJAKRISHNA PILLAI:

164. To omit the allotment of Rs. 200 for bonus to copyists.

[Mr. G. Paramesvaran Pillai.]

Motion 165.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to move—

165. To reduce the allotment of Rs. 2,553 for establishment under Law College by Rs. 100.

Let me state the purpose for which I have made the motion. Sir, my main object in making this motion is to draw the attention of Government to the fact that a re-organisation of the Law College staff is required. As it is, the Professors in the Law College are not full-time officers. They are known as Professors; they used to be known as Elective Lecturers. The permanent Professors are only few in number. Others, formerly known as Elective Lecturers, and now as Junior Professors, are not permanent. Instead of such Professors, let us have full-time Professors permanently employed as Professors just as in other Colleges. It has now become necessary from last year, as a temporary measure, that the pleaders'hip classes should be given separate treatment. They are not willing to take up the work of tuition in respect of those classes separately. They used to teach only the B. L. and F. L. class students. I say that they cannot possibly attend to the pleaders'hip classes so well for the reason that they are busy lawyers having very much of professional work to do outside the College. But in case full-time Professors are put in,—I mean, duly qualified persons who have high degrees in law—there are many junior men in the profession who may do very well as Law Professors or Law Lecturers, who may also find ample time to not only teach the F. L. and B. L. classes but also to attend to pleaders'hip classes separately in case separate tuition is desirable.

PRESIDENT: Is it your idea that the College should be made a day College?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. Necessarily the time will have to be changed. The hours of tuition may have to be changed. Even if the time is not changed, I should consider that—

MR. M. N. PILLAI (*Trivandrum*): What is the advantage in changing the time—is it for the sake of the Professors or for the sake of the students?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Mainly for the sake of the Professors.

MR. M. N. PILLAI (*Trivandrum*): May I point out to the member that this will affect the students who are mostly employed in the offices?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is therefore, I said, that the time may be changed. It is not my idea that the time of teaching should be changed. As a matter of fact, my own personal opinion is that the time need not be changed and that the existing periods are so well suited to students who have other occupations

as well. To Government employees undergoing training in law, the morning and evening hours are quite suitable indeed. These Professors are lawyers. The senior men having extensive practice in courts find it extremely difficult to engage the classes two or three periods in the morning. They cannot afford to teach for more than one period a day. In case junior men are taken with sufficient qualification for tuition, they may find it possible to attend two hours daily. Even the morning hours will suit them very well. They may not have much to do in the courts and they may very well like this work even. I should also think that, in the interests of the law students themselves, it is desirable that such men who may be expected to devote greater attention to teaching work than to their professional work, should be appointed. I should consider that eight Professors—that is what the budget says—is certainly too heavy a staff for the Law College. The Pleaderships classes were having combined classes with F. L. and B. L. students until very recently and we do not know what reasons induced the Government to separate the Pleaderships classes. If it is a case of inability on the part of the pleaders to understand the lectures, unless they are given separate tuition, it may be desirable to adopt either of two ways. Either the standard may be raised to the Intermediate stage or Professors may be appointed who find it possible to devote one hour for F. L. and B. L. and also one hour for Pleaderships classes separately. In such cases, there will be much economy and efficiency on account of this re-organisation being effected in the Law College. It is with that object that I have tabled this motion.

MR. A. HOOGEWERF (*Nominated*): I beg to support Mr. G. Paramesvaran Pillai. I had sent similar motions last year which somehow or other did not come up. At the time of the new appointments I was very much opposed to them. The pleaders have become as plentiful as blackberries and there are more pleaders now than clients, I was told. To increase their number is not at all safe. Now to send these pleaders who have not sufficient knowledge of law to the Districts is to let them loose, more or less, on society as it were, and that is not very safe to the litigant public and also to courts of law. It is increasing litigation. It is in the lower courts that cases ought to be properly argued. If the foundation is properly laid in the lower courts, it will avoid future trouble. It is because there is a lot of bungling by these pleaders with insufficient knowledge of the law, that the trouble increases as we go on from court to court. This is a very important matter in the consideration of the Pleaderships class. As rightly observed by Mr. Paramesvaran Pillai, if the lectures given by the Professors are above the heads of the School Final men who attend the Pleaderships classes, the entrance examination should be made higher—they should be either intermediate students or graduates—as is the case in the Madras College, so that they may be able to understand the lectures. We should not cut off our legs to suit our trousers (*laughter*). I feel it rather delicate to speak on the subject because one of our own members is a Lecturer in the Law College. But, all the same, I consider it my duty to bring

[Mr. T. K. Velu Pillai.]

this matter to the consideration of Government. While we are preaching retrenchment on the one side, we are increasing the number of appointments on the other side. This is a bad policy. So I strongly support the motion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): A consent decree is sometimes better than an *ex parte* decree. I did not propose to speak on this question because I am personally concerned in the Law College. Mr. A. Hoogewerf has been generous enough not to advocate this question because one of the members of this House is a Professor in the Law College. The capacity of a member of this House is different from the capacity of a Law College Professor. There will be no time for collision, and if the rules are changed forbidding a Law College Professor from being a member of this House, I shall certainly not be sorry. But what I want to impress on my friend Mr. Hoogewerf and gentlemen of his way of thinking is that the Law College is not a useless institution. No doubt there is a large number of lawyers, a large number of doctors, a large number of engineers. That does not mean that instruction in law and in the other subjects should not be imparted; and my friend Mr. Hoogewerf also will remember that every citizen ought to know the law. So even those people who do not intend to practice as lawyers may go to the Law College, particularly because, on account of the generous reform of the Legislative Council, citizens will have to come to this Council, and when law is being discussed they will be able to take a very lively and a more useful interest. I need not mention names. I may say, Sir, there are gentlemen who have passed the second grade Pleaders' examination and who are members of this House who have built up an excellent reputation and who are doing excellent work in this House, comparing favourably with that of any double-barrelled graduate.

Now as regards the separation of the Pleaders' classes. You cannot teach Shakespeare to the B. A. class and to the Fifth Form together. For the matter of that, you cannot teach Shakespeare to the B. A. and F. A. classes together. This is not therefore peculiar to law. If, in the Trivandrum Law College, there were combined classes some time ago, there is no reason why there should be combined classes now. Students are able to get better tuition now. I do not join issue with Mr. Paramesvaran Pillai when he said that people who cared to be in the Law College might do more work. If the number of students is to be reduced, it may be reduced. All that I can say is that the Government will not be justified in putting people of different calibre into the same classes and I must also say that the object of the Government should not be to make the Law College a source of profit to themselves. It is not a commercial institution. Already the Government is getting a large income from Law College fees. I would say, spend that money for the good of the subjects, spend more money on books, have more Professors and if the existing number of

Professors is too great, you may dispense with some of them. This is the kind of reform that I should advocate. I thought, Sir, as I have personal experience of the Law College, I must say these few words, and I trust Mr. Hoogewerf also will appreciate the real state of the case about the Pleaders'hip classes and about the Law College generally.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, no doubt the Pleaders'hip classes and the F. L. and B. L. classes were formerly combined classes, and a single Professor was lecturing to both the classes together. But it was represented that, as the standard of education in the two classes was quite different, while in the case of B. L. and F. L. classes it was lowered, in the case of the Pleaders'hip classes it was higher.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask, when the combined classes were going on, what was the percentage of success in the Pleaders'hip examination?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Of course, some were able to pass.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Was there a larger number of students successful in the Pleaders'hip examination after the separation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As regards the B. L. and F. L. classes, the complaint was that the standard was being lowered while in the other case it was high. Therefore, the High Court, at the instance of the Law College Principal, thought either the qualification for admission in the case of Pleaders'hip classes should be raised or the classes should be separated. Now if the qualification for instruction was raised, i. e., restricted to students who have passed the Intermediate examination, in that case it may be that the combined classes could be held. But on examination it was found that no person passing the Intermediate or the B. A. examination ever got himself admitted into the Pleaders'hip classes and therefore, virtually, raising the qualification would mean closing the Pleaders'hip classes. A resolution was once tabled to abolish the Pleaders'hip classes for about ten years or so. But that resolution was not discussed, and it was, I believe, withdrawn.

MR. A. HOOGEWERF (*Nominated*): May I know whether the Intermediate examination is not the qualifying test in the Madras Presidency?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think that the Pleaders'hip classes are held there. The only course left was to separate Pleaders'hip classes as I said or to increase the qualification. Increasing the qualification meant closing the Pleaders'hip class.

We have next to take into consideration the fact that, while there are very many Munsiffs' Courts, there are only a few graduates in law practising in these Munsiffs' Courts. Although Mr. Hoogewerf will say that the lawyers are as many as blackberries, I do not believe there are very many graduates in law practising before the Munsiffs' Courts.

[Mr. G. Paramesvaran Pillai.]

MR. A. HOOGEWERF (*Nominated*): Is it the case with those who go to the Law College?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No, they would rather think it derogatory to go and settle themselves before the Munsiffs' Courts. But they do not object to go to the local Munsiffs' Court occasionally. Therefore there are not enough of lawyers.

Again there is the complaint of unemployment. To prevent these from getting the necessary legal qualification and enable them to try their chance as lawyers—that would be rather a hardship.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that there are unemployed men even among the vakils also?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That may be. If you take the number, there are very many among the Pledership men who do succeed so that if you abolish the Pledership classes altogether you have to throw out all these men and there will not be duly qualified lawyers in the Munsiffs' Courts. That being the case, the idea had to be given up. Raising the qualification was not feasible and the only method left was to separate the two classes. It meant additional lecturers. As for the students, I doubt whether it will be better to have full-time Professors. As Mr. M. N. Pillai said, it may work hardship on some of the Government servants who choose to attend the Law College. That is a matter which has to be very closely examined. I am not quite sure that the reduction in the number of Professors and making them work a little more would be easy. They will insist upon being paid a little higher. At any rate the suggestion of Mr. Paramesvaran Pillai is one which has to be very carefully examined and the views of the High Court taken in the matter. And I have not the slightest doubt that the Government will take the necessary action in the matter to see whether it is feasible. If it is feasible, the economic point of view and all other points will be considered and necessary action taken.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Why are most of these Professors called elective Professors?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is to say, the Government may elect to continue them or disband them. It is not in the sense that they are elected by any constituency. (*Laughter.*)

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I did not suggest that the Pledership classes should be abolished. That was not my suggestion. I was pointing out that the staff might be reduced considerably by asking the Professors to work one or two hours more daily, which might not after all be considerable work, as regards full-time Professors. If the senior lawyers do not find it possible, competent men should be appointed, who are readily available. As for the higher pay that

they may demand, seeing that there are persons who possess the M. L. degree willing to accept the place of a Munsiff beginning with Rs. 150, I do not think it impossible for the Government to get properly equipped Professors on moderate pay to attend to this business.

Hoping that this will meet with the consideration of Government, I withdraw the motion.

The motion was, by leave, withdrawn.

PRESIDENT: The election of three non-official members to the Finance Committee will take place on Friday evening, after the business for the day is over, under the presidency of the Deputy President.

The Council adjourned at 5-20 P. M. to meet again at 11-30 A. M. the next day.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.
